IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Contempt Petition NO. 309 OF 2006

Deepak Raghunath Joshi .... Petitioner
vs.
The Principal, Mahavir Mahavidyalaya & ors. ... Respondents

Petitioner present in person.
Mr. A.A. Kumbhakoni, Sr. Advocate
with A.M. Kulkarni for respondent no.1 &2.
M.H. Solkar GP for r1no.4.

CORAM: D. G. KARNIK **J.**

DATE: 23rd November 2006

P.C.:

1. Heard the petitioner appearing in person and Mr. Kumbhakoni for respondent nos. 1 and 2.
2. This contempt petition is fled by the petitioner alleging that the respondents have committed breach of the order dated 12th March 04 passed by this court in writ petition no. 973 of 2003. By that order the court directed the respondents to reinstate the petitioner in service. So far as the back wages were concerned the court held that the petitioner was entitled to the differential wages i.e., difference between the wages which he would have been entitled to as a full time

lecturer in English and the wages earned by him elsewhere. The court further ordered that it would be open to the respondent College to apply to the State Government for reimbursement of the salary.

3. In pursuance of that order the respondents reinstated the petitioner. The differential back wages were also paid to the respondent on 9th September 2006. According to the petitioner there was delay in payment of the back wages. Though by the order dated 12th March 2004 the differential back wages were allowed he was paid back wages only on 9th September 2006 and therefore the respondents have committed the contempt.

4. By fling the affidavit in reply the respondents have denied that they have committed a contempt. They have explained the delay. They were granted leave by the court to apply to the Government for reimbursement of the salary to be paid to the petitioner. Some time was required for making the calculation of the amounts of which they could get the reimbursement and there was some delay on that count. Secondly they were waiting for the receipt of the grant from the government. Ultimately they made the payment from their own sources. They had no intention to commit breach of the order and the delay caused was not deliberate.

5. When the matter came up for hearing before this court the respondents offered to pay the interest for the delayed period at the rate at which the State Bank of India grants personal

loans. The petitioner in principle accepted the said offer. Accordingly today the respondents have paid to the petitioner Rs.60,768/- , by demand draft by way of interest calculated at the rate of personal loans of State Bank of India. They have also given to the petitioner in the court the certificate of the State Bank of India regarding the rate of interest as also sheet of calculations by the Chartered Accountant. The demand draft is accepted by the petitioner in full settlement of all his claims.

6. In view of this the petitioner does not wish to proceed with the contempt proceedings. I am satisfied that the respondents have not committed deliberate breach of the order of the court. This is clear from the fact that they have paid the interest for the delayed period. In view of this contempt petition is disposed of.

(D.G. KARNIK J.)